

QUADRINO
SCHWARTZ

666 Old Country Road | 9th Floor | Garden City, NY 11530
Phone: 516.745.1122 | Fax: 516.745.0844

Attorneys At Law

The Woolworth Building | 233 Broadway | 5th Floor | New York, NY 10079
Phone: 212.608.5445

www.quadrinoschwartz.com

Richard J. Quadrino | Evan S. Schwartz | Michail Z. Hack^{0**}
Harold J. Levy^{0**} | Scott M. Harrigan⁰

⁰ Counsel ^{**}Admitted in NY and NJ

October 31, 2013

U.S. DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
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sullivanysdchambers@nysd.uscourts.gov

Honorable Richard J. Sullivan, USDJ
United States District Court
Southern District of New York
500 Pearl Street - Room 640
New York, New York 10007

Re: **Scarangella v. Group Health Inc.**
Civ. Action No.: 05 Civ. 5298 (RJS)(RLE)

SO ORDERED

Dated:

11/2/13


RICHARD J. SULLIVAN
U.S.D.J.

Dear Judge Sullivan:

This firm represents defendant Scarangella & Sons, d/b/a Village Fuel ("Village Fuel"). Pursuant to the Court's Order dated October 21, 2013, we submit this letter jointly with Sedgwick LLP, attorneys for defendant Group Health Inc. ("GHI"), advising the Court that Village Fuel seeks to submit additional briefs and/or Affidavits in light of the Second Circuit's decision dated September 10, 2013. At this juncture GHI has not determined whether it seeks to submit anything further.

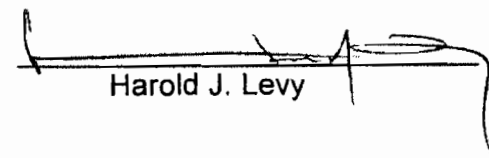
Due to the foregoing, the parties propose the following agreed upon briefing schedule. Village Fuel shall submit its briefs and/or affidavits by December 6, 2013. GHI shall submit papers in opposition or in further support of its position, and/or affidavits, if any, by January 10, 2014. Village Fuel shall submit a reply to GHI's papers, if any by January 24, 2014.

The parties appreciate the Court's consideration of this matter.

Respectfully submitted,

QUADRINO & SCHWARTZ, P.C.

By:


Harold J. Levy

cc: Michael Bernstein, Esq. (via email)
John T. Seybert, Esq. (via email)